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7 TRAVIS LUBINSKY,
8 Plaintiff,
9 v.
10 LITI CAPITAL SA, et al.,
11 Defendants.

Case No. [22-cv-01478-DMR](#)

**ORDER DENYING ADMINISTRATIVE
MOTION TO SEAL**

Re: Dkt. No. 8

12 Plaintiff Travis Lubinsky filed a complaint against Liti Capital SA and three individual
13 Defendants on March 8, 2022. He did not seek to file any portion of the complaint under seal. On
14 April 12, 2022, Lubinsky filed a notice of voluntary dismissal pursuant to Federal Rule of Civil
15 Procedure 41(a)(1)(A)(i) along with an administrative motion to file the entire complaint under
16 seal. [Docket Nos. 7, 8.]

17 Counsel states that the complaint was “erroneously filed” and that Lubinsky “attempted to
18 have the Complaint rescinded prior to the filing being accepted on March 15, 2022¹,” but that
19 “these efforts were not successful.” [Docket No. 8-2 (Mack Decl., Apr. 12, 2022) ¶ 3.] Counsel
20 further contends that there are compelling reasons to seal the complaint in its entirety because “the
21 Complaint was filed in error and on the basis of inaccurate information” and could therefore
22 “become a vehicle for improper purpose.” *Id.* at 8; *see Kamakana v. City & Cty. of Honolulu*, 447
23 F.3d 1172, 1178 (9th Cir. 2006) (a party seeking to seal a judicial record bears the burden of
24 overcoming the strong presumption of access by “articulating compelling reasons supported by
25 specific factual findings” (quotation marks and citations omitted)). Counsel does not identify the
26 “inaccurate information” that resulted in the filing of the complaint.

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¹ This date appears to be a typo. The complaint was filed on the public docket on March 8, 2022.
[Docket No. 1.]

1 He also argues that “failure to seal this Complaint may . . . harm the public’s access to
2 legal justice” because Defendant Liti Capital “is a litigation funder and provides access to legal
3 justice through its business model,” and “[p]ublic access to the Complaint may cause irreparable
4 harm to individuals who are not parties in this action, including the individuals who rely on
5 funding for their own legal cases.” Mack Decl. ¶ 9. He offers no details or explanation of this
6 point.

7 Next, counsel argues that the complaint and the exhibits thereto “contain personal and
8 financial information that may cause undue and unnecessary harm to Defendants,” such as “names
9 and locations” of Liti Capital SA’s members, internal communications, and “non-public financial
10 information” about its business. *Id.* at ¶ 12. He also contends that “[a]ny public record of the
11 Complaint will result in irreparable damage to the company, its shareholders and the underlying
12 asset portfolio.” *Id.* at ¶ 11. Counsel again offers no details or explanation as to why Liti Capital
13 SA would be irreparably damaged if the complaint remains on the public docket.

14 Finally, counsel appears to suggest that the complaint contains information about Liti
15 Capital SA’s trade secrets, but his declaration does not specify any such trade secrets. *See id.* at ¶
16.

17 Pursuant to Civil Local Rule 79-5(e), “[m]otions to seal entire pleadings or briefs are
18 strongly disfavored and will be granted only in extraordinary circumstances.” Lubinsky has not
19 demonstrated the existence of “extraordinary circumstances” here. The reasons he offers to seal
20 the complaint in its entirety are entirely vague and unspecific. Moreover, despite his contention
21 that the complaint contains sensitive, non-public information about Defendants, Lubinsky does not
22 explain why he initially filed the complaint on the public docket without seeking to seal the
23 purportedly sensitive information therein. Accordingly, the administrative motion to seal is
24 denied without prejudice.

25 **IT IS SO ORDERED.**

26 Dated: May 26, 2022

